

**EXHIBIT EE**

Volume I  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALLAN CHIOCCA, :  
Plaintiff, :  
vs. : C.A. No.  
: 1:19-cv-10482-WGY  
THE TOWN OF ROCKLAND, DEIRDRE :  
HALL, EDWARD KIMBALL, LARRY :  
RYAN, MICHAEL MULLEN, JR., :  
MICHAEL O'LOUGHLIN, RICHARD :  
PENNEY and KARA NYMAN, :  
Defendants. :  
- - - - -x

VIDEOCONFERENCE DEPOSITION OF THE TOWN OF  
ROCKLAND, by and through its representative,  
DOUGLAS A. LAPP, appearing remotely from Rockland,  
Massachusetts, a witness called by the Plaintiff,  
taken pursuant to Rule 30(b)(6) of the Federal Rules  
of Civil Procedure, before Alexander K. Loos,  
Registered Diplomat Reporter and Notary Public in  
and for the Commonwealth of Massachusetts, appearing  
remotely from Melrose, Massachusetts, on Tuesday,  
October 26, 2021, commencing at 9:03 a.m.

1 paragraph that starts with "because"?

2 A. Yes.

3 Q. Could you do me a favor and just read that  
4 first sentence, starting with "because."

5 A. "Because the town takes allegations of  
6 harassment seriously, we will respond  
7 promptly to complaints of harassment."

8 Q. Okay. So are you familiar with this  
9 requirement --

10 A. Yes.

11 Q. -- as the town administrator?

12 And you would agree that the previous town  
13 administrator would be apprised of this requirement?

14 A. Yes.

15 Q. Okay. So is it your understanding that  
16 this policy requires a prompt reaction when  
17 allegations of harassment are made?

18 A. Yes.

19 MS. DUNN: So if I could bring your  
20 attention to -- I don't believe this is an exhibit.  
21 So Alex, if I could share my screen, would that  
22 work?

23 THE REPORTER: You have that permission  
24 right now.

1 MS. DUNN: Okay. Great.

2 Q. Do you all see the -- okay, Mr. Lapp.

3 Do you see this --

4 A. Yes.

5 Q. -- responsibilities of sexual harassment --

6 A. Yes, I do.

7 Q. And you recognize this policy?

8 A. Yes.

9 Q. The responsibilities of the sexual  
10 harassment officer?

11 A. Yes.

12 Q. And you've read through this previously,  
13 before?

14 A. Yes, I have.

15 Q. Okay. So if I could draw your attention  
16 to -- actually, so are you aware if this policy was  
17 in place in 2018?

18 A. I assume it was.

19 Q. Okay. So if I could draw your attention to  
20 letter g), do you see -- do you see that right  
21 there?

22 A. I see e).

23 Q. Sorry. One more down.

24 Okay. I apologize. That's actually

1 Page 19.

2 So do you see letter g) on here?

3 A. Yes, I do.

4 Q. And if you could do me a favor and read  
5 that aloud?

6 A. "All investigations must be conducted as  
7 expeditiously as possible."

8 Q. Okay. So based on these policies and  
9 principles set forth in the handbook, it's  
10 reasonable for an individual who is approached with  
11 a sexual harassment allegation to act immediately,  
12 correct?

13 MR. SHAFRAN: Objection.

14 A. Yes. Yes, I would agree.

15 Q. So it was reasonable for Mr. Kimball to act  
16 with a sense of urgency when allegations of sexual  
17 assault or harassment were reported to him, correct?

18 MR. SHAFRAN: Objection.

19 MR. AMOS: You can answer.

20 A. Yes, it was -- yes, it was appropriate.

21 Q. And, in fact, it's consistent with town  
22 policy to expeditiously ensure that allegations are  
23 investigated, correct?

24 A. Correct.

1 Q. Especially if you are sitting in a position  
2 of the chair of the board of selectmen, correct?

3 MR. SHAFRAN: Objection.

4 A. Correct.

5 Q. Okay. If the sexual harassment compliance  
6 officer was a party involved in a sexual harassment  
7 allegation, would it be reasonable for that  
8 reporting individual to seek another person to  
9 report the allegations to?

10 A. Yes.

11 Q. Okay. And do you think that the town  
12 counsel is an appropriate individual to reach out to  
13 with sexual harassment allegations?

14 A. Yes.

15 Q. Okay. Earlier in the deposition we  
16 discussed that Mr. Chiocca as an employee, while he  
17 was on administrative leave, was required to follow  
18 employee policies.

19 Is that correct?

20 A. That's correct.

21 Q. Okay. So I want to bring your attention to  
22 letter o). If you could bring your attention to  
23 letter o), I'll give you a second to read that to  
24 yourself.

1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS. )

3 I, Alexander K. Loos, RDR and Notary Public in  
4 and for the Commonwealth of Massachusetts, do hereby  
5 certify that there came before me on the 26th day of  
6 October, 2021, at 9:03 a.m., the person hereinbefore  
7 named, who was by me duly sworn to testify to the  
8 truth and nothing but the truth of his knowledge  
9 touching and concerning the matters in controversy  
10 in this cause; that he was thereupon examined upon  
11 his oath, and his examination reduced to typewriting  
12 under my direction; and that the deposition is a  
13 true record of the testimony given by the witness.  
14 I further certify that I am neither attorney or  
15 counsel for, nor related to or employed by, any  
16 attorney or counsel employed by the parties hereto  
17 or financially interested in the action.

18  
19 Under Federal Rule 30:

20 ☒ Reading and Signing was requested

21 ☐ Reading and Signing was waived

22 ☐ Reading and Signing was not requested

23  
24 In witness whereof, I have hereunto set my hand

1 and affixed my notarial seal this 1st day of  
2 November, 2021.

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4

5 Notary Public

6 Commission expires 5/5/28  
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